

रजिस्टर्ड नं० पी० ६७



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, १६ अक्टूबर, १९६८/२४ आश्विन, १८९०

GOVERNMENT OF HIMACHAL PRADESH
REVENUE DEPARTMENT
NOTIFICATION

Simla-2, the 17th September, 1968

No. 1-4/63-Rev.I.—The Himachal Pradesh Nautor Land Rules, 1968, as framed by the Himachal Pradesh Government, repealing all rules, regulations and Robkars in respect of grant of nautors anywhere in Himachal

१०७० असाधारण राजपत्र, हिमाचल प्रदेश, १६ अक्तूबर, १९६८/२४ आश्विन, १८९०

Pradesh as hitherto in force, are hereby published for the information of the general public.

By order,
PREM KUMAR,
Secretary.

The maximum limit of grant.

6. Maximum limits to grant nautor lands shall be as under:—

- | | | |
|---|----|-----------|
| (i) For horticultural purposes | .. | 20 bighas |
| (ii) (a) For agriculture | .. | 20 bighas |
| (b) For raising of fodder, growing of vegetables, growing of any special grasses, herbs, shrubs and trees for domestic use or for cash income and diary farming | .. | 20 bighas |
| (iii) For water mills | .. | 2 biswas. |
| (the land actually required for taking out a water channel for the water mill shall be sanctioned in addition as actually needed or, in the alternative, only the right to take out the water channel through Government land shall be allowed if grant of nautor land be against public interest in any case). | | |
| (iv) For a thrashing floor | .. | 2 biswas |
| (v) For a building subservient to agriculture or construction of a residential house | .. | 1 bigha. |

Provided that nautor land for the purposes mentioned in Rule 5(a) and (b) shall be permissible only to the extent by which the total holding of the applicant falls short of 20 bighas in case the grant has been applied for for purposes described in Rule 6(i) and (ii) severally or collectively. The grants for other purposes can be obtained in addition thereto.

Explanation.—In the case of a joint holding i.e., a holding held jointly by more persons than one, the respective proportionate share of each joint holder, as entered in the revenue records, shall be taken to be the holding, for the purpose of the limits within which nautor land may be granted, in respect of each joint holder.

Eligibility for nautor land.

7. Save for the widow and the children of a member of an armed force or semi-armed force, who has laid down his life for the country (whose widow and children will be eligible for grant anywhere within the Tehsil subject to the conditions mentioned in the *Wajib-ul-arj* in respect of the areas where the land applied for is situated) no one who is not the resident in the estate in which the land applied for is situate, shall be eligible for the grant. Every resident of the estate in which the land applied for lies will be eligible in the following order of preference:—

- Such persons who have less than ten bighas of land, whether as owners, or as tenants, or as lessees, either individually or collectively, or have an income of less than Rs. 2,000 per annum from all sources including lands. Provided that in this category a dependent of one who has laid down his life for the defence of the country shall get preference over his counterparts.
- The dependents of those who have laid down their lives for the defence of the country. Service for the defence of the country will mean service in a uniformed force as well as in the capacity of civilian, so long as the death occurs on a front, be it military or civil.
- Serving personnel in the armed forces.
- Panchayats.
- Others.

8. Where the father is alive, no son or daughter, and where the husband is alive, no wife shall be eligible for nautor land and *vice-versa*. Provided that if a serving member of the armed force happens to have applied for nautor land during the life time of his father, he will be eligible for the grant to the extent by which his share of succession in the father's/husband's landed

property on the date of the sanction of the nautor land falls short of the relevant ceiling prescribed above.

9. Grant of nautor land shall be made on payment of a uniform rate of premium of Rs. 50 per bigha over and above 2 times the annual land revenue and cesses chargeable for the land, as annual rent; half of the rent charged to cover the land revenue and cesses payable and the other half by way of lease money.

Charges

Note.— (i) The above rates do not include the price of any trees on the nautor land, which price will be chargeable at the market rate in addition to the premium payable, in case the grantee chooses to buy them.

(ii) In cases where the grantee is not interested in the trees, the Forest Department shall arrange to dispose them off within six months of the sanction and the nautor land cleared of the trees within another six months. In all, there shall be the maximum time limit of one year for the clearance by the Forest Department of the land, granted to a person who was not prepared to pay the price of the trees as assessed by the Forest Department. In case of default the Deputy Commissioner will auction such trees and deposit the proceeds with the Forest Department.

10. No land with slope more than one in four for horticultural purposes and more than 1 in 20 for agricultural purposes, other than horticulture, raising of fodder, growing of special grasses, herbs, shrubs and trees and diary farming shall be granted as nautor, provided:

Restriction of gradient.

(i) That nautor land may be granted for agricultural purposes, other than the purposes excepted above even in land with a slope greater than one in twenty, but not exceeding one in ten, if the prescribed soil conservation measures are taken before the nautor land is brought under cultivation and not later than two years from the date of the grant of the patta. The prescribed measures, for this rule, shall mean the measures prescribed by the Forest Department, in its report on the nautor file. If the Forest Department opined that, even with soil conservation measures, the locality would not be safe for nautor from the point of view of the danger of erosion, land exceeding the slope of one in twenty shall not be allowed in nautor for agricultural purposes other than the purposes excepted above.

(ii) No nautor land shall be granted with a slope of more than 1 in 3 for any purposes, except for a water channel.

11. Rent leviable under Rule 9 supra shall be chargeable from the date of delivery of possession of the land granted as nautor to the allottee.

Rent when due.

All arrears of rent shall, in the event of the same becoming recoverable, be recovered in the same manner as arrears of land revenue.

12. The grant of nautor land shall be cancelled and the land granted resumed by the State Government without payment of any compensation in the following events:—

Resumptions.

(a) If the case be of the grant of nautor land for agriculture/horticulture, the grantee fails to break up/plant fruit trees, and, where soil conservation measures have been prescribed and notified to the grantee, to take the prescribed measures, within two years from the date of the delivery of possession of the nautor land to the grantee or the date of notifying the soil conservation measures to be taken whichever may be later.

- (b) In the case of a water mill and a water channel the grantee fails to set up the water mill, or to dig out the water channel, as the case may be, within 2 years from the date of the patta.
- (c) In the case of grant of nautor land for any other purpose, the grantee fails substantially to start utilisation of the land for the purpose for which it had been granted to him within one year of the grant of the patta.
- (d) If the grantee, at any time, uses the nautor land for any purpose other than the purpose for which the grant was made to him.
- (e) If, either through sale, transfer, assignment, partition or otherwise, the allottee or his successors part with the possession of any part of the nautor land in any form or manner, benami or otherwise, thereby rendering the nautor land liable to fragmentation :

Provided that the periods laid down in (a), (b) and (c) shall, in each case be counted after the removal of trees by the Forest Department/Deputy Commissioner whenever it becomes the responsibility of that department/Deputy Commissioner to dispose of the trees under Note (ii) to Rule 9.

Applica-
tions for
nautor
land.

13. Applications, in quadruplicate, shall be made in form 'C' appended to these Rules to the Revenue Assistant of the district in which the land applied for is situate. The original copy shall bear a Court fee stamp of Rs. 1.25. The additional copies need not be stamped. All the copies will have to be accompanied by the following documents:—

- (i) A copy of the Tatima Shajra (Supplementary map) showing the area applied for. The Tatima Shajra should indicate the boundaries of the land applied for, on all the sides, with specific reference to at least two permanent boundary marks, or fixed marks near enough which can be easily identified on the spot and with the help of which the plot applied for may undoubtedly be located on the spot. A copy of the Tatima Shajra with all these details should invariably be attached to the Patta to be executed according to Rules, so that the person who gives possession on the spot and the person who takes possession know, clearly and beyond any ambiguity, which land has been sanctioned.
- (ii) A copy of the latest 'Fard Intikhab Jamabandi' (excerpt from revenue record) pertaining to the land applied for.
- (iii) A signed statement, by the applicant, giving complete details of the lands held by him whether as owner, tenant or lessee whether individually or collectively.
- (iv) A declaration that the applicant's father/husband is not alive; or if alive, the applicant's case falls under the proviso to Rule 8 *supra*.

Procedure

14. On receipt of an application for nautor land, the following procedure shall be adopted:—

- (a) The Revenue Assistant of the district shall cause the application to be entered in the Misal Band Register to be maintained in the district in the form appended to these Rules. The Register file number shall be marked on the original as well as on the duplicates. The original copy will be retained by the Revenue Assistant.
- (b) The remaining 3 copies shall be sent to the Special Agency, comprising of a Tehsildar and a Forest Range Officer. The Tehsildar shall cause them to be entered in the Misal Band Register to be maintained tehsilwise in the form appended to these Rules and shall, after having marked his register file number

on the application, forward one copy to the Girdawar Kanungo of the Circle, the second one to the Gram Panchayat and the third to the Forest Range Officer simultaneously, inviting their comments.

The Special Agencies for the Districts of Mahasu and Kulu shall have jurisdiction, for the purposes of these rules in the Districts of Kinnaur and Lahaul and Spiti respectively.

- (c) The Girdawar Kanungo of the Circle will check the Tatima Shajra filed with the application, work out the rent chargeable on the land applied for and record a detailed report in respect of trees standing or lying on the land, if any, with particulars of their kind and girth.
- (d) The Girdawar Kanungo of the circle will also verify the details of the lands already held by the applicant. He shall return the application, duly investigated, to the Special Agency within one month of the receipt thereof.
- (e) The Gram Panchayat shall also return the application to the Special Agency within one month of the receipt thereof with its comments.
- (f) The Forest Range Officer shall also return the application, within one month of its receipt, with his comments. The report of the Forest Range Officer, will also contain the number and other particulars of the trees standing or lying on the land applied for and the price thereof.
- (g) The Special Agency, on receipt of comments from the Girdawar Kanungo, the Gram Panchayat and the Forest Range Officer concerned, shall forward the same to the Revenue Assistant of the district with their own observations.

It shall be the responsibility of the Special Agency to return the relevant papers to the Revenue Assistant within three months of the date of receipt of the application from the Revenue Assistant:

Provided further that the Special Agency shall, upon non-receipt of the duly investigated application within the stipulated period of one month from either the Girdawar Kanungo or the Gram Panchayat or the Forest Range Officer, presume that the defaulter has no comments to offer and shall process the application further itself and complete it within the stipulated period of three months.

- (h) In case of applications for nautor lands preferred by Government officials, or their near relations, the investigation shall be carried out by the Gazetted officers, viz., Tehsildar/Forest Range Officer personally.

Reference
to Public
Works
Depart-
ment.

15. In a case where the land applied for is situated at the edge of any public road, the field Kanungo shall ascertain from the Sub-Divisional Officer, Public Works Department, concerned whether or not the Public Works Department has any objection to the proposed grant. It shall be binding on the Sub-Divisional Officer to communicate his views to the Girdawar Kanungo within 15 days from the date of the query made or delivered by the Girdawar Kanungo to him or to his officer, whichever date is earlier. Failing to hear from the Sub-Divisional Officer within this period, the Girdawar Kanungo shall be free to presume that there is no objection from the Public Works Department, subject to such general rule or order, if any, of the Government as may be applicable, concerning the grant of nautor lands by the road side.

Power to grant nautor.

16. The Revenue Assistant of the district shall be competent to grant nautor lands upto the maximum limits prescribed in rule 6 and each application shall be disposed of by him within a maximum period of two months from the date of the receipt thereof from the Special Agency.

No legal practitioner to appear. Procedure after sanction of nautor lands.

17. No legal practitioner shall appear, plead or act, on behalf of any party in the proceedings under these rules.

18. (a) After nautor land has been sanctioned by the Revenue Assistant under rule 16 for any of the purposes mentioned in rule 5 (a) and (b) *ante*, the Tehsil Revenue Officer shall communicate the dues payable to the Government by the grantee as decided by the Revenue Assistant in six half yearly instalments thereof, interest free, with advice to the grantee for depositing the first instalment within one month from the date of receipt of notice by him. In case the grantee chooses to pay the dues in lump-sum he will have the option to do so. The grant of the patta and mutation in such cases where the grantee will avail himself of the concession of making payment in instalments shall stand postponed until full payment has been made. But the possession of the land granted to him shall be delivered on deposit of the first instalment. The failure of the grantee to pay any of the instalments punctually will render the grant liable to resumption and the amount already paid to forfeiture. Pattas will be issued forthwith in such cases where full payment may be made in lump-sum after the expiry of the period for filing an appeal.

(b) After the execution of the patta in form D/E the Revenue Officer of the area will issue a memorandum in Form 'B' appended to these Rules, to the Patwari for entry of the mutation.

(c) Government dues payable in respect of the grant of nautor lands for water mills, thrashing floor and for buildings subservient to agriculture or construction of residential houses will have to be paid in lump-sum.

(d) The amount realised from the grantee will be credited into the treasury in the following manner:—

(i) The premium on land, under head "IX-Land Revenue".

(ii) The price of trees, as "Forest income".

19. Subject to the provisions of these rules, the grantee shall be bound by the conditions of the Patta.

20. At the end of each quarter, a statement showing particulars of the grants of nautor lands made in the preceding three months shall be forwarded by the Revenue Assistant to the Deputy Commissioner, with a copy endorsed to the Commissioner and the Divisional Forest Officer concerned.

21. The Revenue Assistant of the district shall invariably send a copy of the orders passed by him within 15 days of the sanction of nautor land to the Panchayat and the department concerned, in every case in which the Panchayat, the resident/residents of the area or the department, as the case may be, had opposed the grant, so that the department or the Panchayat or the objectors, as the case may be, may get a proper opportunity to file an appeal to the Deputy Commissioner against the decision of the Revenue Assistant, if they have any grievance.

22. In the case of nautor land granted for agricultural or horticultural purposes, the Patwari of the area shall report, immediately on the expiry of two years from the grant of the nautor land, whether the land has been

Grantee bound by the conditions of the Patta. Periodical statements to be submitted by the revenue officer of the area. Copy to Panchayat and concerned departments.

Report to be submitted by the patwari.

brought under cultivation/plantation by the grantee. In the case of nautor land granted for a water mill, he shall report, immediately on the expiry of one year, whether the mill has been started, and, if not, yet whether at least construction of the mill has substantially begun. In other case he shall report at the expiry of one year whether any substantial start has been made for the use of the land for the purpose it was granted giving details thereof. The date on which the above report is due from the Patwari shall be entered in the appropriate column of the Misal Band Register.

Explanation.—The Patwari shall at the time of inspection of each harvest (Girdawari) make specific entries about the use to which each field number granted as nautor land has been put to.

23. In case of nautor lands granted for agriculture, where soil conservation measures have been prescribed, the Range Officer concerned will report immediately on the expiry of two years from the grant of the nautor lands or from the date of communication of soil conservation measures to be adopted, whichever is later, whether the prescribed soil conservation measures have been undertaken or not. The date on which the above report is due shall be entered in the appropriate column of the Nautor Register maintained at the Divisional Office.

Report by
the Range
Forest
Officer.

24. When the Revenue Assistant is satisfied that a grantee has committed a breach of the conditions of his grant, he shall, before ordering resumption under these rules, give the grantee an opportunity to appear and state his objections to the cancellation and resumption, and, having recorded the statement, he may either (a) extend the period for the fulfilment of the conditions of the grant by one year for valid reasons to be recorded in writing or (b) recommend to the Deputy Commissioner that a longer extension of time may be granted within which to fulfil the conditions or that the breach of conditions may be condoned with or without payment of penalty, or that the grant may be resumed.

Defaulter
to be cal-
led before
resumption.

25. The Deputy Commissioner may, on receipt of a report submitted to him under sub-rule (b) of the last foregoing rule, pass such orders as he deems fit after giving an opportunity to the person affected to be heard.

Deputy
Commis-
sioner to
pass orders.

26. When an order for resuming the grant has been passed by the competent authority, possession of the nautor land shall be taken back by the Tehsil Revenue Officer in accordance with these rules and delivered back to the department to whom it originally belonged.

Resump-
tion of
possession.

27. Notwithstanding any thing in the preceding rules, grant of nautor lands may be made by the Deputy Commissioner in exchange for applicants' land, which may be surrounded by Government Forests, after getting the two areas to be exchanged, properly evaluated to his personal satisfaction. An opportunity will also be given by the Deputy Commissioner to the Divisional Forest Officer of the area or his nominee to be heard before agreeing to such an exchange.

Exchange

28. An appeal from the order of the Revenue Assistant under rule 16, shall lie to the Deputy Commissioner within 60 days from the date of the order after making an allowance for the days spent in obtaining the copies. An appeal from the order of the Deputy Commissioner shall lie to the Commissioner within 60 days from the date of the order. Provided that no second appeal shall lie when the original order is confirmed on first appeal.

Appeals

29. The Financial Commissioner or the Commissioner or the Deputy Commissioner or the Revenue Assistant may either of his own motion or on the application of any party interested, review, and, on so reviewing,

Review

modify, reverse or confirm any order passed by himself or any of his predecessors in office; provided as follows:—

- (a) When the Revenue Assistant thinks it necessary to review any order, he shall first obtain the sanction of the Deputy Commissioner.
- (b) When the Commissioner or the Deputy Commissioner thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Financial Commissioner in the case of the Commissioner and the Commissioner in the case of the Deputy Commissioner.
- (c) The application for review of an order shall not be entertained unless it is made within 90 days from the passing of the order and unless the applicant satisfies the Financial Commissioner or the Commissioner or the Deputy Commissioner or the Revenue Assistant, as the case may be, that he had sufficient cause for not making the application within that period.
- (d) An order shall not be modified or reversed in review unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order.
- (e) An order against which an appeal has been preferred shall not be reviewed.

Revisions

30. (i) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by any officer subordinate to him.

(ii) The Commissioner may at any time call for the record of any case pending before, or disposed of by any officer subordinate to him.

(iii) If, in any case, in which the Commissioner has called for the record, he is of the opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner.

(iv) The Financial Commissioner may in any case called for by himself under sub-rule (i) or reported to him under sub-rule (iii) pass such orders as he thinks fit:

Provided that he shall not under this rule pass any order reversing or modifying any proceedings or orders of the subordinate Revenue officer without giving the parties concerned an opportunity of being heard.

FORM 'A'

[See Rule 14 (u)]

MISAL BAND REGISTER FOR THE GRANT OF NAUTOR LAND

District.....

1. Serial No.
2. Date of institution.
3. Name of estate.
4. Name of the applicant with description.
5. No. Khasra with area and classification of soil applied for.
6. Purpose of grant.
7. Date of despatch to the Special Agency.
8. Date of receipt from the Special Agency.

9. Abstract of the report of the Special Agency.
10. Abstract of the final order sanctioning the grant with date thereof.
11. Abstract of the main conditions of the grant.
12. Premium money realisable.
13. Annual amount of the rent and the harvest from which chargeable.
14. Tatima Shajra of the Nautor Land showing karukans.
15. Dates on which the report mentioned in rule 22 is due from Patwari.
16. Remarks.

FORM 'A' (i)
[See Rule 14 (b)]

Tehsil..... District.....

1. Serial No.
2. Date of receipt from the Revenue Assistant.
3. Name of estate.
4. Name of the applicant with description.
5. No. khasra with area and classification of soil applied for.
6. Purpose of grant.
7. Dates of despatch to:
 - (a) Girdawar Kanungo;
 - (b) Gram Panchayat;
 - (c) Forest Range Officer concerned.
8. Date of receipt from:
 - (a) Girdawar Kunungo;
 - (b) Gram Panchayat;
 - (c) Forest Range Officer concerned.
9. Abstract of the report of the Special Agency.
10. Date of despatch to Revenue Assistant.
11. Premium money realisable.
12. Annual amount of the rent and the harvest from which chargeable.
13. Tatima Shajra of the nautor land showing karukans.
14. Remarks.

FORM 'B'
[See Rule 18 (b)]

1. Serial No.
2. Name of the village where the nautor land is situated.
3. Area, field numbers, Jamabandi holding number and in case the land is situated within the limits of Municipal Committee, Small Town Committee or Notified Areas Committee, details of property as required under section 21 of the Registration Act.
4. Name and detail of the person or persons to whom the grant is made.
5. File number and date of final orders of the sanctioning authority with abstract.
6. Conditions of the grant.
7. Tatima Shajra with field numbers.
8. Remarks

Forwarded to:—

The Patwari for entry of mutation.

Dated:—

Signature of the Tehsil
Revenue Officer.

Date of entry of mutation.....

Date of attestation of mutation.....

Date of return of the memorandum to the Tehsil.....

FORM 'C'

(See Rule 13 of the Himachal Pradesh Nautor Land Rules, 1968)

APPLICATION FOR NAUTOR LAND IN HIMACHAL PRADESH

1. Name of applicant..... son of.....
resident of Village..... Tehsil.....
District.....
2. Particulars of preferences claimed.
3. Particulars of land already held by the applicant, if any:
 - (i) District.
 - (ii) Tehsil.
 - (iii) Number of estate (Hadbast) and name of Estate.
 - (iv) Khasra numbers with area and classification if known.
 - (v) Whether owner, tenant, self cultivating or non-cultivating?
4. Object for which nautor land is required.
5. Particulars of the Nautor land applied for:
 - (i) District.
 - (ii) Tehsil.
 - (iii) Number of estate (Hadbast) with name of Estate.
 - (iv) Khasra numbers with area and classification.
 - (v) Number of trees and their kind standing on the land with their approximate value.
6. (i) Number of children of the applicant with their names, ages.
(ii) number of other dependants with their name and parentages.
7. Whether the applicant applied previously for nautor land, if so, give the following particulars:—
 - (a) Date of application, if known;
 - (b) whether sanctioned or rejected and the date of order, if known.
 - (c) particulars of nautor land granted previously if any:
 - (i) District.
 - (ii) Tehsil.
 - (iii) Name of Estate with Hadbast number.
 - (iv) Khasra numbers with area and classification.
 - (v) Amount of dues, if any, paid.
8. Income accruing to the applicant from all sources.
9. Whether the applicant was charged of breaking Government land without permission previously?
10. Result of proceedings indicated at item 9, if any.

I solemnly affirm and declare:—

- (i) That whatever has been stated above is true to the best of my knowledge and belief and that nothing has been concealed or suppressed.
- (ii) that I hold no land any where other than the land, the details of which have been given in this application.
- (iii) that I am a resident in the estate in which the land applied for nautor lies.

I hereby promise and undertake that if any grant of nautor land is made in my favour, I shall abide by the terms of such grant.

Dated.....

Signature of the applicant.

FORM 'D'
[See Rule 18 (b)]
FORM OF PATTA

A grant made by the President of India (hereinafter called the Government) of the one part to..... son of..... resident of..... Tehsil..... District..... Himachal Pradesh, (hereinafter called the grantee) of the other part in pursuance of order dated of the.....

Whereas the land hereinafter mentioned vests in the Government and which is authorised to grant interest in or to dispose of the said land;

And whereas the grantee has paid the sum of Rs..... to the Government as premium and Rs..... on account of the price of the trees; and has further undertaken to pay twice the amount of land revenue and cesses to cover the land revenue and cesses chargeable for this land as well as the annual lease money.

Now this grant witnesseth as follows:—

1. The Government grants unto the grantee all that plot of land, measuring..... bighas hereinafter described as 'Nautor Land' and specifically described in the Schedule hereto, to have an interest in and to hold the same on perpetual lease subject to the exceptions and reservations and on the terms and conditions hereinafter appearing.

2. The grant of nautor is made for..... purpose only.

3. EXCEPTIONS AND RESERVATIONS ON BEHALF OF THE GOVERNMENT:

- (a) The Government does not grant but excepts and reserves to itself all mines and quarries of whatever nature existing on or below the surface of the land with liberty to search for, work and remove the same in as full and ample manner as if this grant had not been made.
- (b) The Government does not grant but excepts and reserves to itself all rivers and streams with the beds and banks, all drainage, channels and all public thoroughfares now existing on the land or proposed for construction.
- (c) For the full discovery, enjoyment and use of the right hereby reserved, it shall be lawful for the Government through its authorised agents or for any officer of the Government to enter upon the land and make such use thereof as may be necessary for these purposes without paying any compensation to the grantee for such use and occupation except as may be provided hereunder.

OBLIGATIONS OF THE GRANTEE

4. The grantee hereby covenants with the Government as follows:—

- (a) Not to do or suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to the Government.
- (b) To permit without let or hindrance all officers or servants of Government and all other persons duly authorised by the Government in that behalf to enter upon the land at all reasonable times and to do all acts and things necessary for or incidental to:
 - (i) the purpose of enforcing compliance with any of terms and conditions of this grant for ascertaining whether they have been duly performed or observed; or

- (ii) any purpose connected with the full enjoyment, discovery and use of the rights hereby reserved to the Government.
 - (c) To take the prescribed soil conservation measures and to break up the land within two years from the date of Patta.
 - (d) In case of horticulture, to plant the area with fruit trees within two years from the date of Patta.
 - (e) In the matter of water main, and water channels to set out the water main and dig out the water channels, as the case may be, within two year of the Patta.
 - (f) In the case of nautor for other purposes, to substantially start utilization of land for the purpose for which the nautor has been granted to him within one year of Patta.
 - (g) To pay promptly the rent charges and out-goings to which the land may from time to time be assessed.
 - (h) To demarcate the land by erecting boundary pillars or a small wall or fence around the land.
 - (i) If the land is resumed under the terms of this grant to leave the land as soon as the grant is terminated and surrender it peaceably to the Revenue Assistant and, if so required by the Revenue Assistant, to pull down and remove any structure existing thereon.
 - (j) The land granted under the terms of this Patta shall not be transferred by the grantee, or his successor(s) in interest, for any purpose, within a period of ten years, and it shall never be subjected to fragmentation either through sale, transfer, assignment, partition or otherwise, in any form or manner, benami or otherwise.
5. If the grantee fails to perform or commits a breach of any of the terms and conditions of the grant or suffers or permits such a breach or non-performance, the Revenue Assistant may at any time thereafter terminate the grant and resume possession of the land and may pull down any structure existing thereon, and sell the materials thereof and retain the proceeds of the sale.
6. No compensation shall be payable by Government in respect of the exercise of any right reserved or conferred by the terms of this grant, except as provided hereunder:—
- (a) for actual damage or occupation arising out of the exercise of rights under clause I. Such compensation as may be determined by the Revenue Assistant:
 - (b) on resumption of the whole or any part or portion of the land otherwise than for breach of or non-fulfilment of the terms and conditions of the grant or for the creation of a right of public way, a proportionate refund of premium paid and such additional sum, if any, as may be determined by the Deputy Commissioner in accordance with general principles applicable to the acquisition of land for public purposes.
7. (i) If any question of difference whatsoever shall at any time hereafter arise between Government and the grantee in any way touching or concerning this grant, or the constructions, meaning, operation or effect thereof or of any clause therein contained or as to the rights, duties or liabilities of either party under or by virtue of this grant or touching the subject matter of the grant or arising out of or in relation thereto then save in so far as the decision of any such matter has been hereinbefore provided for and has been so decided, the matter in difference shall be referred to the arbitration of the Revenue Secretary to the Government of Himachal

Pradesh, who shall have power to decide any matter so referred, including the following questions:—

- (a) whether any other provision has been made in these presents for the decision of any matter and if such provision has been made whether it has been finally decided accordingly; and
- (b) whether the grant should be terminated or has been rightly terminated, and what are or will be the rights and obligations of the parties as the result of such termination,
- (ii) The decision of the arbitration shall be final and binding and when any matter so referred to arbitration involves a claim for the award, increase or reduction of a sum of money by way of compensation or any other payment or recovery of money, only the amount decided by the arbitrator shall be recoverable in respect of the dispute so referred.

INTERPRETATION

8. In these conditions, unless there is anything repugnant in the subject or context:—

- (a) "Deputy Commissioner" means the Deputy Commissioner of the district in which the land is situated and includes any other person duly authorised by general or special order to exercise the powers of the Deputy Commissioner in respect of conditions governing the grant ;
- (b) "Revenue Assistant" means the Revenue Assistant of the district in which the land is situated;
- (c) "the Government and the grantee" include their successors in title and interest respectively; all rights hereby conferred and all obligations hereby imposed shall be available for and bind their successors in title and interest, as the case may require, and when the term "grantee" includes co-sharers any liability or obligation imposed by this grant shall be the joint and several liability of each co-sharer;
- (d) "the land" means the land which is the subject of the grant, and includes all rights, easements, and appurtenances thereto belonging or pertaining; and
- (e) "Minerals" include all substances of a mineral nature which can be had from the earth, such as coal, earth oil, goldwashing, and forms of soils which can be used for a profitable purpose on removal.

THE SCHEDULE REFERRED TO IN CLAUSE I OF THE PATTA

An area ofbighas.....biswas.....
situated in Mauza..... Tehsil.....
District..... shown in the revenue records as
khasra No..... and bounded as follows:—

On the north by.....
On the east by.....
On the south by.....
On the west by.....

*Signature of the
Executants and Witnesses.*

Signed for and on behalf of the President of India by.....
(Sd.) Officer, acting under his authority in the presence of.....(Sd.)
Witness (Address)
on the.....day of.....in the
year one thousand nine hundred.....and signed
by the said.....grantee (Sd. grantee).

In the presence of.....Witness (Address).....
.....(description).

On the.....day of.....in the year
one thousand nine hundred.....

In witness whereof the parties have hereto set their hands on the dates
hereinafter in each case specified.

FORM 'E'

[See Rule 18 (b)]

PATTA FORM FOR THE GRANT OF NAUTOR LAND FOR HORTICULTURAL PURPOSES IN HIMACHAL PRADESH

A grant made by the President of India (hereinafter called the Govern-
ment) of the one part to.....son of.....
resident of.....Tehsil.....
District.....in the Himachal Pradesh (here-
inafter called the grantee) of the other part in pursuance of order dated.....
of the.....

Whereas the land hereinafter mentioned vests in the Government which
is authorised to grant interest in or to dispose of the said land.

And whereas the grantee has paid the sum of Rs.....to the
Government as premium and Rs.....on account of
price of the trees; and has further undertaken to pay twice the amount of
land revenue and cesses to cover the land revenue and cesses chargeable
for this land as well as the annual lease money.

Now this grant witnesseth as follows:—

1. The President of India on behalf of the State as beneficial owner
grants unto the grantee all that plot of land containing.....bighas,
more or less, hereinafter described as "Nautor Land" and more particularly
described in the Schedule hereto, to have an interest in and to hold the same
on perpetual lease subject to the exceptions and reservations and on the
terms and conditions hereinafter appearing.

2. The grant of nautor is made for orcharding purpose only.

EXCEPTIONS AND RESERVATIONS ON BEHALF OF THE GOVERNMENT

3. The Government does not grant but excepts and reserves to itself
all mines and quarries of whatever nature existing on, over or below the
surface of the land with liberty to search for, work and remove the same in
as full and ample manner as if this grant had not been made.

4. The Government does not grant but excepts and reserves to itself
all rivers and streams with their beds and banks, all drainages, channels and
public thoroughfares now existing on the land or shown as proposed for
construction in the plan annexed.

5. For the full discovery, enjoyment and use of the rights hereby
reserved, it shall be lawful for the Government through its authorised agents
or for any officer of the Government to enter upon the land and make such

use thereof as may be necessary for these purposes without making any compensatin to the grantee for such use and occupation except as may be provided hereunder.

OBLIGATIONS OF THE GRANTEE

6. The grantee hereby convenants with Government as follows:—
 - (a) Not to do or suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to Government.
 - (b) To permit without let or hindrance all officers or servants of Government and all other persons duly authorised by Government in that behalf to enter the land at all reasonable times and to do all acts and things necessary for or incidental to:
 - (i) The purpose of enforcing compliance with any of the terms and conditions of this grant for ascertaining whether they have been duly performed or observed; or
 - (ii) any purpose connected with full enjoyment, discovery and use of the rights hereby reserved to Government.
 - (c) Not to use the land for any purpose other than that for which it is granted.
 - (d) To plant fruit trees of only those varieties which are approved by the Extension Officer, horticulture or agriculture if horticulture officer is not available and according to layout sanctioned by him.
 - (e) To plant area with fruit trees within two years of the grant to the satisfaction of District Collector.
 - (f) To protect the land against erosion in such manner as may be considered adequate by any body nominated by the District Collector for this purpose in a block if the slope is excessive to provide suitable terracing.
 - (g) To follow the instructions of Extension Officer, horticulture or agriculture if horticulture officer is not available regarding:
 - (i) the purchase of trees from approved fruit nurseries,
 - (ii) the control of insect pests and fungal diseases of the fruit trees according to the advice of Extension Officer, horticulture or agriculture if horticulture officer is not available,
 - (iii) the replacement of unsuitable or worn out trees.
 - (h) Not to do intercropping except by the express sanction of Extension Officer, agriculture who will specify the kinds of crops to be grown.

Note.—No sanction shall be necessary for growing green manuring or other leguminous crops. The grantee may put area remaining fallow in any year till four years from the date of grant by when the entire area under grant is to be put under orchard, under cereals or other crops approved by Extension Officer, agriculture. This shall not, however, authorise the grantee to inter-crop as forbidden under sub-clause (h).

- (i) Not to sell, mortgage or alienate, in any way, or sub-lease the land to any other party within a period of 10 years from the grant of the Patta. The land granted as nautor under the terms of this Patta shall never be subjected to fragmentation either through sale, transfer, assignment, partition or otherwise, in any form or manner, benami or otherwise by the grantee or his successor(s) in interest.
- (j) To remain at all times of loyal behaviour and at any time of trouble to render active support to the Government and its

officers, and to accept the decision of the Government as to whether this covenant has been fulfilled or not.

- (k) To pay such amount towards the cost of the following works as the Deputy Commissioner acting under the general or special orders of the Government, may determine, whether cost has already been incurred at the time of the grant or may be incurred thereunder:
 - (i) the survey and demarcation of the land;
 - (ii) the construction of any road, paths, culverts or bridges necessary for the general convenience of the estate in which land is situated;
 - (iii) the maintenance and repair of any such roads, paths, culverts or bridges.
- (l) To pay promptly the rent charges and outgoings to which the land may, from time to time, be assessed.
- (m) To demarcate the land by erecting burjies or small wall around the land.
- (n) If the land is resumed under the terms of this grant to leave the land as soon as the grant is terminated, surrender it peaceably to the Revenue Assistant and if so required by the Revenue Assistant to pull down and remove any structure existing thereon.

PROVISION

7. If the grantee fails to perform or commits a breach of any of the terms or conditions of the grant or suffers or permits such breach or non-performance, the Revenue Assistant may at any time thereafter terminate the grant and resume possession of the land and may pull down any structure existing thereon, and sell the materials thereof and retain the proceeds of the sale:

Provided that if the conditions contained in sub-clauses (c), (d), (e) and (f) of clause 6 have not been fulfilled to the satisfaction of District Collector the grant may be terminated by the Deputy Commissioner and the land resumed without payment of any compensation thereof.

8. No compensation shall be payable by Government in respect of the exercise of any right reserved or conferred by the terms of this grant, except as provided hereunder:—

- (a) for actual damage or occupation arising out of the exercise of rights, such compensation as may be determined by the Deputy Commissioner;
- (b) on resumption of the whole or any part or portion of the land otherwise than for breach of or non-fulfilment of the terms or conditions of the grant or for the creation of a right of public way a proportionate refund of premium paid and such additional sum, if any, as may be determined by the Deputy Commissioner in accordance with general principles applicable to the acquisition of land for public purposes.

9. (i) If any question of difference whatsoever shall at any time hereafter arise between Government and the grantee in any way touching or concerning this grant, or the construction, meaning, operation or effect thereof or of any clause therein contained or as to the rights or duties or liabilities of either party under or by virtue of this grant, or touching the subject matter, of the grant or arising out of or in relation thereto, then save in so far as the decision of any such matter has been hereinbefore provided for and has been so decided, the matter in difference shall be referred to

the arbitration of the Revenue Secretary to Himachal Pradesh Government who shall have power to decide any matter so referred, including the following questions:—

- (a) whether any other provision has been made in these presents for the decision of any matter and if such provision has been made, whether it has been finally decided accordingly; and
- (b) whether the grant should be terminated, or has been rightly terminated and what are or will be rights and obligations of the parties as the result of such termination.
- (ii) The decision of the arbitrator shall be final and binding and when any matter so referred to arbitration involves a claim for the award, increase or reduction of a sum of money, by way of compensation or any other payment or recovery of money, only the amount decided by the arbitrator shall be recoverable in respect of the dispute so referred.

INTERPRETATION

In these conditions, unless there is anything repugnant in the context,—

- (a) "Deputy Commissioner" means the Deputy Commissioner of the District in which the land is situated and includes any other person duly authorised by general or special order to exercise the powers of the Deputy Commissioner in respect of conditions governing this grant;
- (b) "Revenue Assistant" means the Revenue Assistant of the District in which the land is situated;
- (c) "the Government" and "the grantee" include their successors in title respectively, all rights hereby conferred and all obligations hereby imposed shall be available for and bind their successors in title as the case may require, and when the term "the grantee" includes co-sharers any liability or obligation imposed by this grant shall be the joint and several liability of each co-sharer;
- (d) "the land" means the land which is the subject of this grant, and includes all rights, easements, and appurtenances thereto belonging or pertaining; and
- (e) "minerals" include all substances of a mineral nature which can be had from the earth, such as coal, earth oil, goldwashing, and forms of soils which can be used for a profitable purpose on removal.

THE SCHEDULE REFERRED TO IN CLAUSE I OF THE PATTA

An area of.....bighas.....biswas.....
situated in Mauza..... Tehsil.....
District..... shown in the revenue records as khasra number.....
and bounded as follows:—

- On the north by.....
- On the east by.....
- On the south by.....and
- On the west by.....

*Signature of Executants
and Witness.*

Signed for and on behalf of the President of India by.....(Sd/
Officer.....acting under his authority in
the presence of..... (Sd) Witness (Address).....
..... on
the..... day of.....
in the year one thousand nine hundred.....
and signed by the said.....
grantee (Sd grantee).....

In the presence of.....
Witness (s)
(address)
(description).....
on the.....
day of.....
in the year one thousand nine hundred.....
.....

In witness whereof the parties have hereto set their hands on the dates
hereinafter in each case specified.